

1001XXXXXXXXXX : Exp. 03/04/08

To: (USPTO) via eFax Messenger, Page 2 of 37

2008-03-04 20:44:56 (GMT)

14047950935 From: Dan McClure

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OFFICE OF PETITIONS

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PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))

Docket Number (Optional)  
252302-1100

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

Refund Ref:  
05/20/2011 0030097916

Credit Card Refund Total: \$2350.00

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information  
at (571) 272-3282.

HA Exp.: XXXXXXXXXXXX1001

Patent No. 5,974,628 Application Number 09/111,305  
Issue Date October 26, 1999 Filing Date July 7, 1998

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent  
number (or reissue patent number, if a reissue) and (2) the application number of the  
actual U.S. application (or reissue application) leading to issuance of that patent to  
ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

03/07/2008 DALLEN 00000012 5974528

01 FC:1557 700.00 OP

☐ is a reissue of original Patent No. original issue date original filing date

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application filed on

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is  
(1) being deposited with the United States Postal Service on the date shown below with sufficient  
postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450 OR  
(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark  
Office at (571) 273-8300.

March 4, 2008  
Date

*Daniel R McClure*  
Signature

Daniel R McClure  
Typed or printed name of person signing Certificate

03/07/2008 DALLEN 00000012 5974528

01 FC:1551

930.00 OP

(Page 1 of 4)

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
APPLICATIONS TO THIS ADDRESS.

Adjustment date: 05/20/2011 CKHLOK  
03/07/2008 DALLEN 00000012 5974528  
01 FC:1552 -2360.00 OP

Refund Ref:  
05/20/2011 0030097914

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 2/37 RCVD AT 3/4/2008 3:45:02 PM [Eastern Standard Time] SVR:USPTO-EFAX-5/36 DNIS:2738300 CSID:14047950935 DURATION (mm:ss):10:56

HA Exp.: XXXXXXXXXXXX1001

Adjustment date: 05/20/2011 CKHLOK  
03/07/2008 DALLEN 00000012 5974528  
01 FC:1557 -700.00 OP

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## OFFICE OF PETITIONS

PTO/SB/65 (10-05)

Approved for use through 04/30/2009. OMB 0831-0018

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## 7. OVERPAYMENT

As to any overpayment made please

☒ Credit to Deposit Account No. 20-0778

OR

☐ Send refund check.

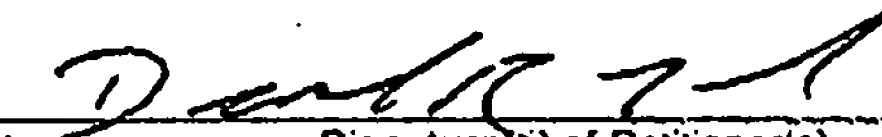
## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

  
\_\_\_\_\_  
Signature(s) of Petitioner(s)

March 4, 2008

Date

Daniel R. McClure

38,962

Typed or printed name(s)

Registration Number, if applicable

600 Galleria Pkwy, SE, Suite 1500

770-933-9500

Address

Telephone Number

Atlanta, GA 30339


Address

## ENCLOSURES:

- ☒ Maintenance Fee payment  
☒ Statement why maintenance fee was not paid timely  
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)  
☐ Other:

(Page 3 of 4)

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: 05/19/11		2 Serial/Patent # 09/111,305 pat. 5,974,528								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
	Notice of Appeal/Appeal			\$						
	Petition		03/04/10	\$ 700.00						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance		03/04/08	\$ 930.00						
	Assignment			\$						
	Other Maintenance		03/04/10	\$ 2,360.00						
		7 TOTAL AMOUNT OF REFUND		\$ 3,990.00						
		8 TO BE REFUNDED BY: CC								
10 REASON:		Treasury Check								
	Overpayment	Credit Deposit A/C #:								
	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px; text-align: center;">--</td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>					--			
		--								
	No Fee Due (Explanation):									
Patent not reinstated.										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: Karen Creasy		TITLE: Petitions Examiner								
SIGNATURE: /Karen Creasy/		PHONE: 2-3208								
OFFICE: Petitions										
*****										
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APPROVED: 		DATE: 5/20/11								

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